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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,512	04/20/2006	Akira Matsuki	09812.0757	3760
22852	7590	10/02/2009		
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP				EXAMINER
901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413				RUTLEDGE, AMELIA L
			ART UNIT	PAPER NUMBER
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			10/02/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/576,512	Applicant(s) MATSUKI ET AL.
	Examiner AMELIA RUTLEDGE	Art Unit 2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 12 August 2009.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-5 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-5 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>08/12/2009; 09/23/2009</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the following communications: Amendment, entered 08/12/2009; RCE, filed 08/12/2009; Information Disclosure Statements, filed 08/12/2009; 09/23/2009.
2. Claims 1-5 are pending. Claims 1 and 5 are independent claims.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/12/2009 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Iseki et al., ("Iseki") U.S. Pub. No. 2002/0007311 A1, published January 2002.

Regarding independent claim 1, Iseki teaches a *recording medium used for creating an original electronic album of a place, the recording medium comprising:*

material information including at least one of text, an image, audio, and a map relating to the place; because Iseki teaches a system for creating a digital album of a place, including video, audio, and image data from a digital video camera (par. 0034-0036).

Iseki teaches *situational information that is associated with the material information, the situational information including at least one of a location, a date, and a time relating to the place;* because Iseki teaches that it is possible to input a location, date and time, or to fetch position and time information relating to the place and date from the camera used to pick up the image (par. 0058; par. 0056-0057; Fig. 13; Fig. 14).

Iseki teaches *a program which, when executed by a processor, causes a system to: receive user situational information associated with an image captured by a user, the user situational information comprising at least one of a location, a date, and a time of the captured image;* because Iseki teaches that it is possible to input a location, date and time, or alternatively, to fetch position and time information relating to the place and date from the camera used to pick up the image (par. 0058; par. 0056-0057; Fig. 13; Fig. 14).

Iseki teaches ...*search the situational information stored on the recording medium with the received user situational information;*

determine result situational information, as a result of the search; display result material information associated with the result situational information, because Iseki

teaches that it is possible to input a location, date and time, or alternatively, to search position and time information relating to the place and date from the camera used to pick up the image (par. 0058; par. 0056-0057; Fig. 13; Fig. 14).

Further, Iseki teaches searching stored situational information by allowing a user to retrieve image information based on name, place, or date (par. 84); and Iseki teaches that it is possible to give a function as a terminal to the digital camera, i.e., recording medium where position information and date information provided in the camera are used as the input information (par. 0095-0097).

Regarding dependent claim 4, Iseki teaches an *ID (identification number)* wherein the *ID enables the system to receive updates via a network for the recording medium, thereby updating the recording medium with the newest material information;* because Iseki discloses an ID for images and the recording medium, for use for providing information and updates via a network, the internet (par 0035-0038; 0051; 0058-0060).

Regarding dependent claim 5, Iseki teaches an *electronic album creating apparatus for creating an electronic album relating to a place, the apparatus configured to receive: a first recording medium configured to store images captured by a user and user situational information, the user situational information including at least one of a location, a date, and a time of the place, wherein the user situational information is either automatically recorded upon capture of the images or is provided by the user;* because Iseki teaches a system for creating a digital album of a place, including video, audio, and image data from a digital video camera (par. 0034-0036).

Iseki teaches that it is possible to input a location, date and time, or to fetch position and time information relating to the place and date from the camera used to pick up the image (par. 0058; par. 0056-0057; Fig. 13; Fig. 14).

Iseki teaches a second recording medium configured to store: material information including at least one of text, an image, audio, and a map relating to the place;

situational information that is associated with the material information, the situational information including at least one of a location, a date, and a time relating to the place; because Iseki teaches that it is possible to input a location, date and time, or to fetch position and time information relating to the place and date from the camera used to pick up the image (par. 0058; par. 0056-0057; Fig. 13; Fig. 14).

Iseki teaches a second recording medium because Iseki discloses an embodiment having a digital video camera connected with several terminals containing storage media storing text, image, and audio data, and situational information including a location, date, and time (par. 0036-0047). Iseki also teaches that it is possible to give a function as a terminal to the digital camera, i.e., recording medium where position information and date information provided in the camera are used as the input information (par. 0095-0097).

Iseki teaches a program, which when executed by a processor of the apparatus, causes the apparatus to: search the situational information stored on the recording medium with the user situational information; determine result situational information, as a result of the search; display result material information associated with the result

situational information; because Iseki teaches that it is possible to input a location, date and time, or alternatively, to search position and time information relating to the place and date from the camera used to pick up the image (par. 0058; par. 0056-0057; Fig. 13; Fig. 14).

Further, Iseki teaches searching stored situational information by allowing a user to retrieve image information based on name, place, or date (par. 84);

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iseki, as applied to claim 1, above, in view of Renie, U.S. Patent No. 5,655,053, issued August 1997.

Regarding dependent claim 2, Iseki suggests but does not explicitly teach a *plurality of opening videos*; because Iseki teaches that image information registered with an image provider can be extracted, and image and video information can be stored as both open registered and private, therefore allowing a user to retrieve a plurality of opening videos (par. 0089-0090; par. 0083-0084).

Renie teaches automatically inserting personalized opening video segments into pre-recorded stock footage of rides and attractions as well as other stock material on the tape such as special events, parades, etc. (col. 8, l. 6-31).

Both Renie and Iseki are directed to the recording and storage of image data. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the system for producing customized video recordings for a sightseeing spot disclosed by Renie, with the image editing and storage system disclosed by Iseki, in order to allow users of the system flexibility in storing and accessing their recorded image content, as well as providing third part access to the content (Iseki, par. 0006).

Regarding dependent claim 3, while Iseki does not explicitly teach ...*wherein the system displays an opening video associated with the situational information*, Renie teaches automatically inserting personalized video segments into pre-recorded stock footage of rides and attractions as well as other stock material on the tape such as special events, parades, etc. (col. 8, l. 6-31).

Iseki teaches *wherein the system displays an opening video associated with the situational information and automatically displays, thereafter, images and the like prepared by the user in a chronological order*, because Iseki teaches an electronic service site for a digital album (par. 0035-0038), where situational information can be recorded with an image prepared by the user, and users can store their images in a digital album in chronological order (par. 0058; 0065; 0100; 0103).

Both Renie and Iseki are directed to the recording and storage of image data. It would have been obvious to one of ordinary skill in the art at the time of the invention to

combine the system for producing customized video recordings for a sightseeing spot disclosed by Renie, with the image editing and storage system disclosed by Iseki, in order to allow users of the system flexibility in storing and accessing their recorded image content, as well as providing third part access to the content (Iseki, par. 0006).

Response to Arguments

Applicant's arguments filed 07/14/2009 have been fully considered but they are not persuasive. The newly claimed limitations of independent claims 1 and 5 are disclosed by Iseki as set forth in the claim rejections, above. In particular, applicant argues that Iseki does not disclose the limitations regarding "situational information" ... *situational information that is associated with the material information, the situational information including at least one of a location, a date, and a time relating to the place* (Claim 1) (See Remarks, p. 5-6). However, Iseki teaches that it is possible to input a location, date and time, or to fetch position and time information relating to the place and date from the camera used to pick up the image (par. 0058; par. 0056-0057; Fig. 13; Fig. 14).

Applicant argues that the references do not disclose the limitation of claim 1, ...*search the situational information stored on the recording medium with the received user situational information*, wherein the user situational information is associated with an image captured by a user (Remarks, p. 6), however, Iseki teaches that it is possible to input a location, date and time, or alternatively, to search position and time information relating to the place and date from the camera used to pick up the image

(par. 0058; par. 0056-0057; Fig. 13; Fig. 14), i.e., the image captured by the user.

Further, Iseki teaches searching stored situational information by allowing a user to retrieve image information based on name, place, or date (par. 84).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AMELIA RUTLEDGE whose telephone number is (571)272-7508. The examiner can normally be reached on Monday - Friday 9:30 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached on 571-272-4137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Amelia Rutledge/
Primary Examiner, Art Unit 2176